

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-28 are pending in the application, with claims 1, 14, 21, 27, and 28 being the independent claims. Claim 1 is sought to be amended to clarify the claimed invention. No new matter has been entered by these amendments. These amendments should be entered after final because they merely clarify an implicit feature, do not require further search or consideration by the Examiner, and they place the claims in better condition for allowance and/or reduce the issues for appeal.

Based on the above amendments and following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejection under 35 U.S.C. § 101

Claims 1-13 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully request reconsideration and withdrawal of this rejection for the reasons stated below.

On pages 2, 3, and 8, claims 1-13 are rejected because "the claims are not listing any hardware part of the system," "the computer readable medium is not claimed as part of the system," and the claims "do not define a computer-readable medium." Although Applicants believe claims 1-13 as previously pending in the application represent patentable subject matter, Applicants have amended claim 1 merely in order to expedite prosecution and without acquiescing to the Examiner's responses.

Claim 1 as amended herein recites features that represent statutory subject matter.

For example, claim 1 as amended herein recites (emphasis added):

a policy module configured to enable a processor to store at least one process-driven security policy on a computer readable storage medium, wherein the process-driven security policy includes a plurality of states and transition rules, and wherein each of the states is associated with one or more access restrictions, and wherein the transition rules specify circumstances under which a secured document is to transition from one state to another; and
an access manager module configured to enable a processor to access the stored process-driven security policy and determine whether access to a secured document is permitted by a requestor based on the policy state associated therewith at the time access is requested and the corresponding one or more access restrictions thereof for the process-driven security policy.

Support for the amendments to claim 1 is found at least at, for example, FIGs. 4A, 5A, and 7 and paragraphs [0015], [0036]-[0041], [0060], [0085], [0086], [0088]-[0090], and [0093] of the instant specification.

The USPTO “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” (Official Gazette notice of 22 November 2005), Annex IV state that “When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.”

Further, in 1995, the Commissioner of Patents and Trademarks conceded to the U.S. Court of Appeals for the Federal Circuit “that computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101.” See *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). Amended claim 1 falls

within what the Commissioner of Patents and Trademarks had conceded was patentable subject matter.

Moreover, the Examiner is asked to examine claim 1 in light of paragraphs [0015], [0036]-[0041], [0060], [0085], [0086], [0088]-[0090], and [0093], and FIGs. 4A, 5A, and 7, as well as other sections of the specification.

Thus, claim 1 recites statutory subject matter. Claims 2-13 depend upon claim 1 and should similarly be found allowable. Accordingly, Applicants request that the Examiner reconsider and withdraw this rejection of claims 1-13 and find them allowable.

Rejections under 35 U.S.C. § 102

Claims 1-6, 8, 9, and 11-28 were rejected under 35 U.S.C. § 102(a) as being allegedly anticipated by U.S. Patent Publication No. US 2005/0028006 to Leser *et al* (hereinafter "Leser"). Applicants respectfully traverse these rejections for the reasons stated below.

Claims 1 recites features that distinguish over the applied reference. For example, claim 1 recites:

a policy module configured to enable a processor to store at least one process-driven security policy on a computer readable storage medium, wherein the policy includes a plurality of states and transition rules, and wherein each of the states is associated with one or more access restrictions, and wherein the transition rules specify circumstances under which a secured document is to transition from one state to another; and an access manager module configured to enable a processor to access the stored process-driven security policy and determine whether access to a secured document is permitted by a requestor based on the policy state associated therewith at the time access is requested and the corresponding one or more access restrictions thereof for the process-driven security policy.

On pages 10 and 11 of the Office Action the Examiner asserts that Leser discloses all of the above-recited document security system features recited in claim 1. Applicants respectfully disagree and traverse for the reasons stated below.

US Patent Application no. 10/856,112 (hereinafter "the Leser application") was filed May 28, 2004 and Applicants' application was filed on September 30, 2003. Thus, the Applicants' application predates the Leser application filing date. Although the Leser application claims the benefit of U.S. Provisional Patent Application No. 60/475,109 (hereinafter "the Leser provisional"), which was filed on June, 2, 2003, the Examiner has provided no documentary evidence that the disclosure of Provisional Application No. 60/475,109 anticipates or renders obvious Applicants' invention. Thus, Leser is not a proper reference.

Applicants have examined the Leser provisional and submit that it fails to teach or suggest all of the above-recited features of claim 1. Dependent claims 2-13, which depend upon independent claim 1, are allowable for at least being dependent from allowable independent claim 1, in addition to their own respective distinguishing features. See *In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) and M.P.E.P. § 2143.03.

The Leser provisional does not describe each and every element as set forth in claims 14 and 27. For example, claims 14 and 27 recite a method and computer readable medium, respectively, for transitioning a secured document through a security-policy state machine having a plurality of states. Claim 14 further recites that the method includes receiving an event, determining whether the event causes a state transition for the secured document from a former state to a subsequent state, and automatically

transitioning from the former state to the subsequent state of the security-policy state machine upon determination that the event causes the state transition.

Therefore, for at least these reasons, the applied reference does not anticipate claims 14 and 27. Also, at least based on their respective dependencies to claim 14, claims 15-20 should be found allowable, as well as for their additional respective distinguishing features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of these claims, and find them allowable over the applied reference.

The Leser provisional does not describe each and every element as set forth in claims 21 and 28. For example, claims 21 and 28 recite a method and computer readable medium, respectively, that:

provide at least one process-driven security policy at a server computer, wherein the process-driven security policy is associated with a plurality of states, and wherein each of the states has distinct access restrictions; provide a reference to the process-driven security policy to at a client computer, the reference referring to the process-driven security policy resident on the server computer; associate the reference to an electronic document; transitioning the process-driven security policy from one state to a current state; and determine at the server computer whether a requestor is permitted to access the electronic document, the access being based on a current state of the process-driven security policy, the current state being informed to the server computer by sending the reference to the server computer.

Therefore, for at least these reasons, the applied reference does not anticipate claims 21 and 28. Also, at least based on their respective dependencies to claim 21, claims 22-26 should be found allowable, as well as for their additional respective distinguishing features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of these claims, and find them allowable over the applied reference.

However, without stipulating that the features recited in claims 1-6, 8, 9, and 11-28 are the only features that differentiate the claimed embodiments of the present patent application from the Leser provisional, Applicants note that these features are disclosed by the present application, but are not disclosed by the Leser provisional. Thus, at least with regards to the features of recited in claims 1-6, 8, 9, and 11-28, Leser does not enjoy the benefit of the Leser provisional. Therefore, with regard to the claimed embodiments of the present patent application, the filing date of the present patent application predates the Leser Publication such that Leser should not be applied as a prior art reference against the present patent application. (*See* M.P.E.P. § 706.02(V)(D).). Thus, Leser is not a proper reference and is not prior art against Applicants' pending claims because Applicants' filing date predates that of Leser. Therefore, Applicants request that Leser be removed from consideration.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-6, 8, 9, and 11-28 and find them allowable.

Rejection under 35 U.S.C. § 103

Claims 7 and 10 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Leser in view of U.S. Patent Publication No. US 2004/0193912 to Li *et al* (herein "Li"). Applicants respectfully traverse this rejection for the reasons stated below.

On page 19 of the Office Action, the rejection of claim 1 in view of Leser is incorporated into the rejection of claim 7. Li does not cure these deficiencies of Leser with regards to claim 7 because Leser is an invalid reference, as discussed above.

On page 21 of the Office Action, the rejection of claim 9 in view of Leser is incorporated into the rejection of claim 10. Li cannot not cure the deficiencies of Leser with regards to claim 10 because Leser is an invalid reference, as discussed above.

Further, dependent claims 7 and 10, which depend upon independent claim 1, are allowable for at least being dependent from allowable independent claim 1, in addition to their own respective distinguishing features. See *In Re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) and M.P.E.P. § 2143.03. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of these claims, and find them allowable over the applied references.

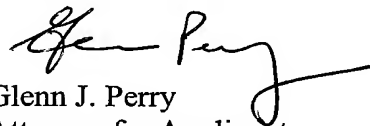
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Glenn Perry", with a long horizontal flourish extending to the right.

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